

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Bell Telephone Company	:	
(SBC Illinois) and	:	
United Communications Systems, Inc.	:	
d/b/a Call One	:	04-0436
	:	
Joint Petition for Approval of Resale	:	
Agreement dated June 8, 2004, pursuant	:	
to 47 U.S.C. § 252.	:	

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On June 15, 2004, pursuant to 83 Illinois Administrative Code Part 763, Illinois Bell Telephone Company ("SBC Illinois") and United Communications Systems, Inc. d/b/a Call One ("UCS"), filed a joint request for approval of an Interconnection Agreement dated June 8, 2004 (the "Agreement"), under Sections 252(a)(1) and (e) of the Telecommunications Act of 1996, 47 U.S.C. 151, et seq. ("the Act"). A statement in support of the request were filed along with verifications sworn to by Eddie Reed Jr., on behalf of SBC Illinois, and Craig Foster on behalf of United Communications Systems, Inc. d/b/a Call One, stating that the facts contained in the request for approval are true and correct.

Pursuant to notice as required by law and the rules and regulations of the Commission, this matter came on for hearing by a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois, on July 22, 2004. Staff filed the Verified Statement of Torsten Clausen of the Commission's Telecommunications Division, which was admitted into evidence recommending approval of the agreement. The record was marked "Heard and Taken" on July 22, 2004.

II. SECTION 252 OF THE TELECOMMUNICATIONS ACT

Section 252(a)(1) of the Act allows parties to enter into Negotiated Agreements regarding requests for interconnection, services or network elements. SBC Illinois and UCS have negotiated such an Agreement and submitted it for approval in this proceeding.

Section 252(e)(1) of the Act provides, in part, that "[a]ny interconnection agreement adopted by negotiation . . . shall be submitted for approval to the State Commission." This

Section further provides that a State Commission to which such an agreement is submitted "shall approve or reject the agreement, with written findings as to any deficiencies." Section 252(e)(2) provides that the State Commission may only reject the negotiated agreement if it finds that "the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement" or that "the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity." Section 252(e)(4) provides that the agreement shall be deemed approved if the State Commission fails to act within 90 days after submission by the parties.

Section 252(h) requires a State Commission to make a copy of each agreement approved under subsection (3) "available for public inspection and copying within 10 days after the agreement or statement is approved."

Section 252(i) requires a local exchange carrier to "make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement."

III. THE AGREEMENT

The instant agreement between ILLINOIS BELL TELEPHONE COMPANY ("SBC ILLINOIS" or "Carrier") and UCS, dated June 8, 2004, is a result of voluntary negotiations between the parties. The Agreement will expire September 6, 2006. The Agreement establishes the financial and operational terms for the resale of telecommunications services between SBC Illinois and UCS.

IV. STAFF'S POSITION

Staff reviewed the Agreement based on the standards set forth in Section 252(e)(2) of the Act. Under this Section, the Commission may only reject an agreement, or any portion thereof, adopted by negotiation under subsection (a) if it finds that (i) the agreement, or any portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement, or a portion thereof, is not consistent with the public interest, convenience and necessity.

Since this Agreement is based solely on the needs and interest of these parties, nothing in this agreement leads me to the conclusion that the agreement is inequitable, inconsistent with past Commission Orders, or in violation of state or federal law. Mr. Clausen recommends that the Commission approve this agreement.

In addition, Staff recommends that the Commission require SBC Illinois to file, within five (5) days from the date upon which the Agreement is approved, with the Office of the Chief Clerk, a verified statement that the approved agreement is the same as the one as the Agreement filed in this docket with the Verified Petition. Staff also recommends that

the Chief Clerk place the agreement on the Commission's web site under Interconnection Agreements. Staff's recommendations are reasonable and should be adopted.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction of the parties hereto and the subject matter hereof;
- (2) SBC Illinois and United Communications Systems, Inc. d/b/a Call One are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act;
- (3) On June 8, 2004, SBC Illinois and United Communications Systems, Inc. d/b/a Call One entered into an Agreement, which has been submitted to the Commission for approval under Section 252(e) of the Telecommunications Act of 1996;
- (4) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (5) the Agreement between SBC Illinois and United Communications Systems, Inc. d/b/a Call One does not discriminate against a telecommunications carrier not a party to the Agreement and it is not contrary to the public interest, convenience and necessity;
- (6) in order to assure that the Agreement is in the public interest, SBC Illinois should implement the Agreement by filing, within five (5) days from the date the Agreement is approved, a verified statement with the Chief Clerk of the Commission stating that the approved Agreement is the same as Agreement filed in this docket with the Verified Petition. The Chief Clerk shall place the Agreement on the Commission's web site under Interconnection Agreements;
- (7) SBC Illinois should also place replacement sheets in its tariffs at the following location: Agreements with Telecommunications Carriers: Ill. No. 16 Section 18;
- (8) the Agreement should be approved as hereinafter set forth;
- (9) approval of the Agreement does not have any precedential effect on any future negotiated agreements or Commission Orders.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Agreement dated June 8, 2004, between SBC Illinois and United Communications Systems, Inc. d/b/a Call One, is approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that SBC Illinois shall comply with findings (6) and (7) of this Order within five days of the date of this Order.

IT IS FURTHER ORDERED that this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 4th day of August, 2004.

(SIGNED) EDWARD C. HURLEY

Chairman